

**CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING AGENDA**

Wednesday, May 27, 2009
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi
Vice- Chairman Clayton Creager
Commissioner Carol Bush
Commissioner Paul Coates
Commissioner Nicholas Kite

“California Courts have consistently upheld that development is a privilege, not a right.”

Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

Public Comments is time reserved on each regular meeting agenda to provide an opportunity for the public to directly address the Planning Commission on items of interest to the public, which do not appear on the agenda. Comments should be limited to three minutes. The Commission will not be able to take action on items raised during Public Comments.

D. ADOPTION OF MEETING AGENDA

E. COMMUNICATIONS/CORRESPONDENCE

F. CONSENT CALENDAR

The following items listed on the Consent Calendar are considered routine and action taken by the Planning Commission is by a single motion. Any member of the Planning Commission, staff or the public may request that an item listed on the Consent Calendar be moved and action taken separately. In the event that an item is removed from the consent calendar, it shall be consider after the last scheduled item under New Business.

1. Planning Commission Minutes for the regular meeting of May 13, 2009.

Recommended Action: Approve as submitted.

G. TOUR OF INSPECTION

Items on this agenda containing an asterisk (*) are designated for the Tour of Inspection. Shortly after 5:30 p.m., the Planning Commission will leave the Community Center to inspect these sites and will return as soon thereafter as possible. The purpose of this inspection is to view the physical characteristics of the site only—no action is taken by the Planning Commission on the site. The Planning Commission may eliminate one or more sites on the tour identified with an asterisk (*). The public is welcome to join the Planning Commission on its tour of inspection.

H. PUBLIC HEARING

1. **U 2009-01 and DR 2009-02.** Consideration of Conditional Use Permit and Design Review applications to allow retail wine sales, including wine tasting and wine education in an existing 1,040 square foot commercial space located at 1307-B Lincoln Avenue (APN 011-221-027) within the "DC-DD", Downtown Commercial-Design District zoning district. The property owner is Denyse Butler. The applicant is T'Anne Butcher, who would be the manager of the business (W.H. Smith Wine Sensory Experience). The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines.

Recommended Actions:

- a. Direct Staff to file a Notice of Exemption for the Project pursuant to Section 15301 of the CEQA Guidelines as a Class 1 Exemption.
- b. Adopt Resolution PC 2009-09 approving Conditional Use Permit (U 2009-01) to allow retail wine sales, including wine tasting and wine education in an existing 1,040 square foot commercial space located at 1307-B Lincoln Avenue (APN 011-221-027) within the "DC-DD", Downtown Commercial-Design District zoning district, based upon the findings provided in the Resolution and subject to conditions of approval.

I. NEW BUSINESS

1. Receive a report on the Planning and Building and Fire Department's 2009 annual bed and breakfast inspections. Discuss and possibly provide direction to staff prior to development of an ordinance or ordinances implementing policies and actions of the General Plan calling for guidelines and/or ordinances addressing the City's existing Bed and Breakfast Ordinance and vacation rentals.

Recommended Action: Receive the Planning and Building and Fire Department's 2009 Annual Bed and Breakfast report and provide direction to staff for possible development of guidelines and/or ordinances addressing the City's existing Bed and Breakfast Ordinance and vacation rentals.

J. MATTERS INITIATED BY COMMISSIONERS

K. DIRECTOR'S COMMENTS/PROJECT STATUS

Revised Urban Design Plan Draft - Update
Planning Commission Workshop - Update

L. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Wednesday, June 10, 2009, at 5:30 PM.

Planning Commission Agenda

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POSTING: *I declare that a copy of this Planning Commission agenda was posted at City Hall, 1232 Washington Street, among other locations within the Calistoga City Limits, on Friday, May 22, 2009 no later than 4:30 p.m.*

Kathleen Guill,
Secretary to the Planning Commission

All Planning Commission reports for items on this Agenda are available online at <http://www.ci.calistoga.ca.us>. For additional information, please call the Planning and Building Department at 707-942-2827.

DECISION: The Planning Commission process is an important step in the permit review process required by the City of Calistoga Zoning Ordinance. For projects that require review by the City Council, the Commission's action shall be a recommendation to the Council. In cases where no other action is required, the action of the Commission is final unless appealed within ten days of the decision.

APPEALS: Anyone that does not agree with the Planning Commission's decision or the conditions that may have been imposed by the Commission in approving an agenda item may appeal the commission's action to the City Council. Appeals must be filed within ten (10) calendar days from the date of the Commission's action. Appeals may be limited to those issues raised at the public meeting. For additional information concerning the requirements for filing an appeal, please contact the Planning & Building Department, 1232 Washington Street in Calistoga or call (707) 942-2827.

NOTICE: If you challenge a city's zoning, planning, or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Judicial review of any City administrative decision may be heard only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

SPECIAL ASSISTANCE: Pursuant to Title II of the Americans with Disabilities Act: In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning and Building Department at (707-942-2827. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangement to ensure accessibility to this meeting. (28 DFR 35.102-35-104 ADA Title II).

PUBLIC COMMENTS: All speakers are asked to provide their name, address, and subject of discussion. Presentations to the Commission are generally limited to five minutes. Additional time may be granted by the Commission Chair as appropriate to the scope of the project.

Any writings or documents provided to a majority of the legislative body regarding any item on this agenda will be made available for public inspection at the Public Counter located on the first floor at 1232 Washington Street during normal business hours.